

## \* Amended Answer \*

**MUNGER CHADWICK, P.L.C.**  
National Bank Plaza  
333 North Wilmot, Suite 300  
Tucson, Arizona 85711  
Telephone: (520) 721-1900  
Facsimile: (520) 747-1550

FILED	LODGED
RECEIVED	COPY
JAN - 2 2018	
9	9
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY _____

Mark E. Chadwick  
[mechadwick@mungerchadwick.com](mailto:mechadwick@mungerchadwick.com)  
ASB # 014991  
Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

KOLEEN GALLAGHER

**Plaintiff/  
Judgment Creditor,**

NO. 4:17-MC-00005

14 RICHARD JAMES. GALLAGHER.

**EXECUTEE/GARNISHEE ANSWER  
AND AFFIDAVIT**

Defendant/  
Judgment Debtor

**(Rule 69, Fed. R. Civ. Pro;  
A.R.S. §§12-1572 – 1597)**

17 | and

**BMO HARRIS BANK**  
4380 n. Campbell, Suite 100  
Tucson, AZ 8571

**Executive/Garnishee:**

22 State of Arizona )  
 ) ss.

23 | County of Pima )

1. I am the above named Executee/Garnishee or am authorized by the  
Executee/Garnishee to make this affidavit on their behalf, regarding the Writ of

1 Execution served on Executee/Garnishee on 12-18-17.

2       2. The Executee/Garnishee was X was not \_\_\_ indebted to or otherwise in  
3 possession of monies of the Judgment Debtors at the time the Writ was served,  
4 including without limitation, any accounts in which Richard J. Gallagher is  
5 designated as payable upon death beneficiary, including, without limitation BMO  
6 Harris Bank, Certificate of Deposit account number 52609601.

7       3. The total amount of indebtedness or monies in the possession of the  
8 Executee/Garnishee at the time the Writ was served, including, without limitation,  
9 the amount of money which was owned by the deceased Josephine Marie Gallagher  
10 is \$ CD on hold for \$100,000.00      (Less our \$100.00 legal  
11 processing fee)

12       4. The total amount of indebtedness or monies of the Judgment Debtor  
13 withheld by the Executee/Garnishee pursuant to the Writ is \$ 100,000.

14       5. The amount of indebtedness or monies of the Judgment Debtor not  
15 withheld by the Executee/Garnishee if \$ 100.00. Reason for not withholding is:  
16 when we break the CD we will be taking a \$100.00 legal fee.

17       6. At the time the Writ of Garnishment was served upon Executee/  
18 Garnishee, Executee/Garnishee did    did not X have possession of personal property  
19 of the Judgment Debtor. If yes, describe each item, or group of items, of personal  
20 property:

21       7. Please list all items of personal property withheld by the  
22  
23  
24

1 Executee/Garnishee pursuant to the Writ:  
2  
3

4       8. Based upon Executee/Garnishee's knowledge, another person or entity  
5 is  is not  indebted to the Judgment Debtor, or in possession of personal  
6 property of the Judgment Debtor. If yes, give names and addresses:

7              Richard James Gallagher  
8              Josephine Gallagher  
9              4689 W. Tangerine Rd Apt. 1102, Marana, AZ 85658

9       9. If Executee/Garnishee is a corporation, Judgment Debtor now, or at  
10 the time the Writ was served, has  does not have  any stocks, bonds, options  
11 or other interest in the Corporation. If yes, state the NUMBER AND TYPE of  
12 shares owned by the Judgment Debtor, and a DESCRIPTION of any other interest  
13 the Judgment Debtor owns in the Executee/Garnishee Corporation as of the date the  
14 Writ was served, as shown on the Corporation's records:

15       10. If Executee/Garnishee answered "YES" to either question #2 or #6,  
16 copies of the Writ and Summons, underlying Judgment, Notice to Judgment  
17 Debtor, and Request for Hearing were delivered to Judgment Debtor on

18       12-29-17 by  hand delivery,  regular first class mail  
19 to the address determined to be the best calculated to reach the Judgment Debtor in  
20 a timely manner, or  service pursuant to the Rules of Civil Procedure applicable  
21 to a Summons.

11. Copies of this Answer were delivered on 12-29-17 to the  
Judgment Debtor, the Judgment Creditor, or Judgment Creditor's attorney, if  
applicable, by hand delivery, X regular first class mail to the address  
determined to be the best calculated to reach the Judgment Debtor in a timely  
manner, or service pursuant to the Rules of Civil Procedure applicable to a  
Summons, at the following address:

9  
BMO Harris Bank12. Executee/Garnishee 's name, mailing address and telephone number is:  
10 1200 E. Warrenville Rd  
Naperville, IL 60563  
Phone 331 281-5738  
Fax 331 281-6240

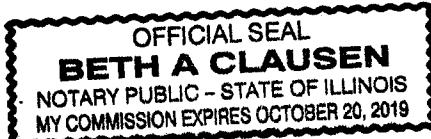
I have read the foregoing document and know of my own knowledge  
that the facts stated therein are true and correct.

14 WHEREFORE, Executee/Garnishee prays that Executee/Garnishee be  
15 discharged on this Answer and that the Court award Executee/Garnishee reasonable  
16 compensation in the amount of \$ \_\_\_\_\_.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26

*lh*  
Signature of Executee/Garnishee or  
Authorized Agent

SUBSCRIBED AND SWORN on December 29, 2017



*Beth Clausen*  
Notary Public

1 Attorney's Name, Address, Phone  
2 Mark E. Chadwick  
3 Munger Chadwick, P.L.C.  
4 333 N. Wilmet, Suite 300  
5 Tucson AZ 85711  
6 (520) 721-1900  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**PROOF OF SERVICE BY MAIL**

**Under penalties as provided by law pursuant to 735 ILCS 5/1-109 I certify that the statements set forth herein are true and correct.**

The undersigned non-attorney certifies that this Proof of Service and enclosed documents were mailed to the appropriate parties identified on the enclosed on the 29 day of Dec 2017.

BMO Harris Bank, N.A.

*lh*

---

Erin Hoffman  
Garnishment Group  
BMO Harris Bank N.A.  
1200 E. Warrenville Rd. | Naperville, IL 60563  
(p) 331.281.5762 | (f) 331.281.6240